Mandate

- Over 100 million acres of public land
- Over 263,000 approvals on public land
- Thousands of decisions made every year that affect these dispositions
- Mandate of the Public Lands Appeal Board is to hear appeals of certain decisions made by Alberta Environment and Parks in the department’s administration of these dispositions.
Public Lands Administration Regulation

- Came into force September 12, 2011
- Part 10 provides the authority for the Board
- Sets out who can appeal, timing, grounds, process, types of appeals, etc.
Common dispositions under PLAR

- Commercial Trail Riding Permit
- Cultivation Permit (CUP)
- Easement
- Farm Development Lease
- Grazing Permit
- Hay Permit
- Mineral Surface Lease
- Miscellaneous Lease
- Miscellaneous Permit
- Recreation Lease
- Surface Materials Licence
- Surface Material Exploration Lease (SME)
- Surface Materials Lease (SML)
- Department Licence of Occupation (DLO)
- Grazing Lease (GRL)
What decisions can be appealed?

Section 211 of PLAR

- Issuance, renewal, amendment or suspension of a disposition
- Rejection of an application for a disposition
- Refusal to issue, renew or amend a disposition
- Imposition or variation of a term or condition of a disposition
- Deemed rejection
What decisions can be appealed?
Section 211 of PLAR

- Order to vacate vacant public land
- Enforcement order, stop order, or an administrative penalty
- Removal order
Deemed Rejection
Section 15 PLAR

• Two phases of consideration of an application
  1. Technical review
  2. Merits review

• 30 days to make decision on technical review

• Can extend by 90 days

• If no decision within the timeframe it is deemed to be rejected and can be appealed to the Board.
Who can appeal?
Section 212 PLAR

• Person to whom the decision was given

• Person referred to in section 98 (Road use appeal)

• Person who is directly and adversely affected by an appealable decision

• Person who owns land adjoining land directly affected by an appealable decision

• Others that the Board allows
Grounds for Appeal
Section 213 of PLAR

- Erred in determination of a material fact on the face of the record
- Erred in law
- Exceeded jurisdiction
- Did not comply with the ALSA Regional Plan
- Expressly subject to an appeal such as a stop order (*PLA* section 59.2), or a deemed rejection (section 15 PLAR)
Types of Appeals

- Summary Appeals
- General Appeals
- Complex Appeals
Summary Appeals

• Appeals of stop orders and removal orders

• 3 hours to file appeal with the Appeals Coordinator
  – 3 hours from the time of the decision or
  – 3 hours from when the appellant became aware or should have been aware of it

• Hearing can be by phone, electronically, or in person

• Decision is made by midnight of the following day
General Appeals

• Any appeal that is not a summary or complex

• Decision must be made within 20 days after notice of appeal is filed

• Appeals Coordinator has discretion to determine whether appeal is General or Complex
Complex Appeals

• At Director’s discretion

• Section 56(1) offences:
  – Removing GoA property from public land
  – Unauthorized occupation, use or entry of closed road or area
  – Destruction or damage of public land
  – Non compliance with officer’s order or notice
  – Non compliance with disposition, Act or regulation
Timelines for

• Appeals to be submitted within:
  – 20 days after Appellant received, became aware, or ought to have become aware of the decision
  – 45 days from date the decision was made
  – Whichever lapses first

• Days are calendar days

• Appeals Coordinator to decide within 5 days to accept or reject the appeal
How to Appeal – Notice of Appeal form

- Appellant / Agent information
- Appeal details
- Grounds for appeal
- Desired outcomes
- Signatures
Appeal Process

• Director’s Record

• Mediation

• If Mediation fails, then a Hearing is scheduled before a panel.

• A panel may be made up of one or three persons
  – If it is one then the panel consists of the Appeals Coordinator
  – If it is three then usually it involves the Appeals Coordinator and three others appointed
Appeal Process

• Written Submissions

• Hearing
  – Written
  – Oral

• Report and Recommendations to the Minister

• One year from receipt of appeal to send Report and Recommendations to the Minister
Appeal Process

• Minister:
  – may confirm, reverse or vary the decision being appealed
  – may make any further order to carry out the decision

• Minister’s decision is given through a Ministerial Order (MO)

• Minister’s decision is final and not reviewable by the courts
Contact the Public Lands Appeal Board:

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